

SECTION 18

LIABILITY COVERAGE

As provided in RCW 38.54.030, the *Mobilization Plan* shall be consistent with, and made a part of, the Washington State Comprehensive Emergency Management Plan (which is a mandate of the emergency management statutes contained in Chapter 38.52 RCW). Thus, state fire services mobilization under Chapter 38.54 RCW should be considered part of the state's emergency management program under Chapter 38.52 RCW, and subject to that chapter's liability and indemnification provisions.

As such, RCW 38.52.180(2) provides, in relevant part, as follows: All legal liability for damage to property or injury or death to persons (except an emergency worker, regularly enrolled and acting as such), caused by acts done, or attempted, under the color of this chapter in a bona fide attempt to comply therewith shall be the obligation of the state of Washington. Suits may be instituted and maintained against the state for the enforcement of such liability, or for the indemnification of persons appointed and regularly enrolled as emergency workers while actually engaged in emergency management duties, or as members of any agency of the state or political subdivision thereof engaged in emergency management activity...PROVIDED, That the foregoing shall not be construed to result in indemnification in any case of willful misconduct, gross negligence or bad faith on the part of any agency of emergency management....